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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,412	03/01/2002	Daniel Joseph Dove	100111298.1 (1964-11-3)	6219

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EXAMINER	
GOINS, DAVETTA WOODS	
ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,412	Applicant(s) DOVE ET AL.	
	Examiner Davetta W. Goins	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Callaghan et al. (US Pat. 6,256,318 B1) in view of Schenkel et al. (US Pat. 5,926,462).

In reference to claims 1, 4, O'Callaghan discloses the claimed controller operable to receive an activity level of from a device to generate a signal that is related to the activity level, and an indicator device coupled to the controller and operable to indicate the activity level in response to the signal, which is met by a communications hub 10, including a logic arrangement (controller) for determining the collision and activity level from a plurality of network devices 12 as well as displaying various LED devices via indicator 20; the "level of activity" is represented by the green indication given for at least some of the time for periods of the order. It will be seen that if the "activity level" falls to a very low level then, the green indications may be given for very short periods of time and very infrequently resulting I now perceptible indication being given that activity is occurring on the network (col. 3, lines 19-67; col. 4, lines 1-67; col. 5, lines 1-67; col. 6, lines 1-41). Although O'Callaghan does not specifically disclose that the controller receives activity level of a port from a processor associated with the port, he does disclose that a communications hub 10 (including logic circuits serving as a controller) is connected to a

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plurality of network devices 12 via suitable cable 13. Each of the cables are connected to a plurality of communications ports 11 of the network hub 10 (controller) (col. 3, lines 35-50). Schenkel discloses a plurality of devices 3 and a remote CPU 4 and memory 5 are used for measuring and storing the activity that's been detected from the devices via network 1 (col. 3, lines 1-18; col. 4, lines 13-51). The activity of the devices can be measured at regular periodic intervals or at irregular intervals and each device may include it's own processor to determine the activity before reporting the activity to one or more sites for collection of the network topology (col. 10, lines 6-11). Also, each device includes an input or output communications port of a physical or logical device such that each device can be located, able to measure and report some measure of the traffic or "activity" at this port, or to have such a measurement made on it and reported (eg: by an external agent) (col. 6, lines 17-21). Since both O'Callaghan and Schenkel disclose a controller/processor that detects the activity of a remote network device, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of a network device including it's own processor and port, as disclosed by Schenkel, to ensure that the activity level of each device will be monitored separately prior to transmitting the activity of each device such that the activity level of the connected network device can be viewed at remote the controller.

In reference to claim 2, O'Callaghan discloses the claimed finite number of activity levels, which is met by the number of network devices 12 connected to the communications hub 10 will show the activity of the connected network devices 12 via LED indication device 20 (col. 3, lines 35-67; col. 4, lines 1-4).

In reference to claim 3, although O'Callaghan does not specifically disclose the claimed indicator device indicates activity by flashing, he does disclose an LED or plurality of LEDs 20 used to indicate activity and collision status on the network (col. 3, lines 35-58). Since O'Callaghan discloses light indicators to give a user notification of the activity of various devices in a network, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide flashing of the LEDs, that's a well known cost effective design, to ensure that the user is immediately aware of the activity level of the port.

3. Claims 5-13, 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Callaghan in view of Schenkel and in view of Liu et al. (US Pat. 5,936,442).

In reference to claims 5, 8-10, 13, 15-24, O'Callaghan discloses the claimed controller operable to receive an activity level from a processor and to generate a signal that is related to the activity level, and claimed indicator device, which is met by a communications hub 10, including a logic arrangement (controller) for determining the collision and activity level from a plurality of network devices 12 as well as displaying various LED devices via indicator 20; the "level of activity" is represented by the green indication given for at least some of the time for periods of the order. It will be seen that if the "activity level" falls to a very low level then, the green indications may be given for very short periods of time and very infrequently resulting in now perceptible indication being given that activity is occurring on the network (col. 3, lines 19-67; col. 4, lines 1-67; col. 5, lines 1-67; col. 6, lines 1-41). Although O'Callaghan does not

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specifically disclose that the controller receives activity level of a port from a processor associated with the port, he does disclose that a communications hub 10 (including logic circuits serving as a controller) is connected to a plurality of network devices 12 via suitable cable 13.

Each of the cables are connected to a plurality of communications ports 11 of the network hub 10 (controller) (col. 3, lines 35-50). Schenkel discloses a plurality of devices 3 and a remote CPU 4 and memory 5 are used for measuring and storing the activity that's been detected from the devices via network 1 (col. 3, lines 1-18; col. 4, lines 13-51). The activity of the devices can be measured at regular periodic intervals or at irregular intervals and each device may include it's own processor to determine the activity before reporting the activity to one or more sites for collection of the network topology (col. 10, lines 6-11). Also, each device includes an input or output communications port of a physical or logical device such that each device can be located, able to measure and report some measure of the traffic or "activity" at this port, or to have such a measurement made on it and reported (eg: by an external agent) (col. 6, lines 17-21).

O'Callaghan does not specifically disclose the claimed signal comprising a series of separated pulses being a non-linear function of the activity level. Liu discloses a circuit for data communication devices, the system comprising a communication device with a plurality of ports 40, a signal detection circuit 22 detects the activity of each port and generates a pulse and provides the pulse to the corresponding latch circuit to assert an output signal (col. 5, lines 9-38). Since O'Callaghan and Schenkel disclose systems capable of giving an indication of the activity level of various computers, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of "ports", as disclosed by Schenkel, as well as the teaching of providing a series of separated pulses being a non-linear function of the activity

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level, as disclosed by Liu, with the system of O'Callaghan, to give an accurate response through the LEDs as to the operation of the activity level of each port.

In reference to claims 6, 11, O'Callaghan discloses the claimed finite number of activity levels, which is met by the number of network devices 12 connected to the communications hub 10 will show the activity of the connected network devices 12 via LED indication device 20 (col. 3, lines 35-67; col. 4, lines 1-4).

In reference to claims 7, 12, although O'Callaghan does not specifically disclose the claimed indicator device indicates activity by flashing, he does disclose an LED or plurality of LEDs 20 used to indicate activity and collision status on the network (col. 3, lines 35-58). Since O'Callaghan discloses light indicators to give a user notification of the activity of various devices in a network, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide flashing of the LEDs, that's a well known cost effective design, to ensure that the user is immediately aware of the activity level of the port.

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

DAVETTA W. GOINS
PRIMARY EXAMINER



D.W.G.

November 1, 2004

Davetta W. Goins
Primary Examiner
Art Unit 2632